

## **AGREEMENT**

This Agreement is between the City of Lincoln, Nebraska (City) and Lancaster County School District 001, also known as Lincoln Public Schools (LPS).

**Whereas**, the City and LPS need to work together to solve the issues related to ownership of vacated streets and alleys on the Belmont Elementary School site located at 3425 N. 14<sup>th</sup> Street in the City of Lincoln, Lancaster County, Nebraska; and,

**Whereas**, the City and LPS have reached an agreement and both parties are willing to proceed with the attached PETITION TO VACATE PUBLIC WAY upon the following terms and conditions.

**Now therefore**, for good and valuable consideration, the City and LPS agree as follows:

1. The Public Ways being vacated by the PETITION TO VACATE PUBLIC WAY, and by other City processes, are as shown on Map #1 attached hereto and incorporated herein by this reference as Exhibit "A" and such Public Ways will revert to and be retained and owned by the City.
2. Upon completion of the vacation, LPS will purchase from the City and the City will sell to LPS the south half of vacated Hartley Street from the East right-of-way line of vacated 13<sup>th</sup> Street East a distance of 253 feet, which is adjacent to Lots 2 through 6 and the West 28 feet of the remaining portion of Lot 1, all in Block 30, Lincoln Heights Addition (approximately 253 feet by 30 feet, or 7,590 square feet) as shown on Map #2 attached hereto and incorporated herein by this reference as Exhibit "B". This will allow for the entire new Educare building to move forward and be built 100% on LPS owned property. The total purchase price for this land will be based on the appraised value of \$3.25 per square foot times the 7,590 square feet.
3. Upon completion of the vacation, the City will deed to LPS at no additional cost, the vacated east/west alley in Block 30, Lincoln Heights Addition, from the East right-of-way line of said vacated alley East a distance of 253 feet, which is adjacent to Lots 2 through 6, Lots 7 through 11, and the West 28 feet of the remaining portions of Lots 1 and 12, all in Block 30, Lincoln Heights Addition, as shown on Map #2, Exhibit "B".
4. Upon completion of the vacation, in to order consolidate publicly owned property and to correct, straighten-out, and clarify the boundary lines on such property, the City will also as part of this transaction deed to LPS at no additional cost the following streets and alleys previously vacated in the 1950's: (a) All of vacated Groveland Street from the East right-of-way line of vacated 13<sup>th</sup> Street East a distance of 253 feet, which is adjacent to Lots 2 through 6 and the West 28 feet of the remaining portion of Lot 1, all in Block 1, Mount Maria Addition, and is also adjacent to Lots 7 through 11 and the West 28 feet of the remaining portion of Lot 12, all in Block 30, Lincoln Heights Addition; (b) the East 28 feet

of vacated 13<sup>th</sup> Street from North right-of-way line of the vacated east/west alley in Block 30, Lincoln Heights Addition, to the North right-of-way line of Judson Street, which is adjacent to Lot 7, Block 30, Lincoln Heights Addition, and which is also adjacent to Lots 6 and 7, Block 1, Mount Maria Addition; (c) the vacated east/west alley in Block 1, Mount Maria Addition, from the East right-of-way line of said vacated alley East a distance of 253 feet, which is adjacent to Lots 2 through 6, Lots 7 through 11, and the West 28 feet of the remaining portion of Lots 1 and 12, all in Block 1, Mount Maria Addition; as shown on Map #2, Exhibit "B".

5. LPS at this time does not have interest in acquiring the property platted as 13<sup>th</sup> Street west of Block 17, Lincoln Heights Addition, or west of Lot 6 of Block 30, Lincoln Heights Addition, which is being vacated as part of this proposed vacation or by other City process.

6. Upon completion of the vacation, the City will deed the property as described in paragraphs 2, 3, and 4 of this agreement by quitclaim deed, a copy of which is attached hereto and incorporated herein by this reference as Exhibit "C".

7. Upon completion of the vacation, the City will purchase from LPS, and LPS will sell to the City, the East 10 feet of the remaining portions of Lots 1 and 12, Block 30, Lincoln Heights Addition to the City of Lincoln, Lancaster County, Nebraska and the East 10 feet of the remaining portions of Lots 1 and 12, Block 1, Mount Maria Addition to the City of Lincoln, Lancaster County, Nebraska, said conveyances containing a total approximate area of 5,120 square feet, as shown on Map #2, Exhibit "B". This will allow for the future expansion and widening of 14<sup>th</sup> Street by the City. The total purchase price for this land will be based on the appraised value of \$3.25 per square foot times the 5,120 square feet.

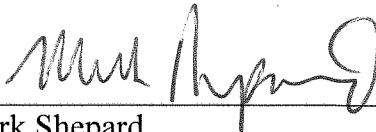
8. Upon completion of the vacation, LPS will deed the property as described in paragraph 7 of this Agreement by quitclaim deed, a copy of which is attached hereto and incorporated herein by this reference as Exhibit "D".

9. As a result of the purchases and sales of land contemplated under paragraphs 2 and 7 of this Agreement, the total net purchase price by LPS to the City will be \$8,027.50, which price is based on the appraised value of \$3.25 per square foot times the total net area to be transferred to LPS which is approximately 2,470 square feet.

10. Upon completion of the vacation and execution and filing of the deed described in this Agreement, LPS will endeavor to have the Belmont Elementary School site replatted to consolidate the lots and vacated streets and alleys and to accurately reflect the use of the property. LPS and the City shall jointly and equally share in the cost of replatting the site.

**IN WITNESS HEREOF**, LPS and City do hereby execute this Agreement this \_\_\_\_\_  
day of \_\_\_\_\_, 2011.

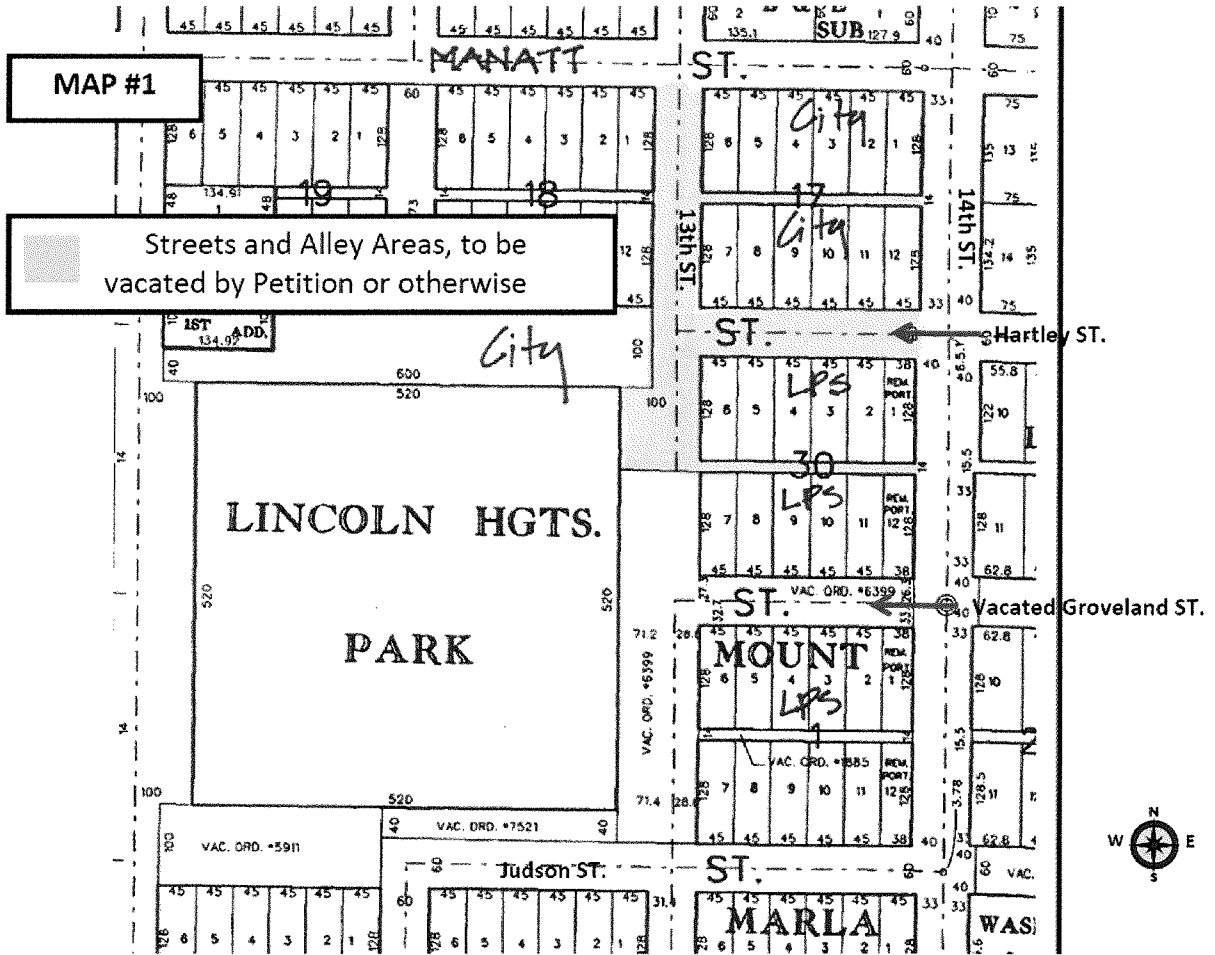
**LANCASTER COUNTY SCHOOL  
DISTRICT 001, a/k/a LINCOLN PUBLIC  
SCHOOLS**, a Class IV school district,

By:   
Mark Shepard  
Associate Superintendent for Business Affairs

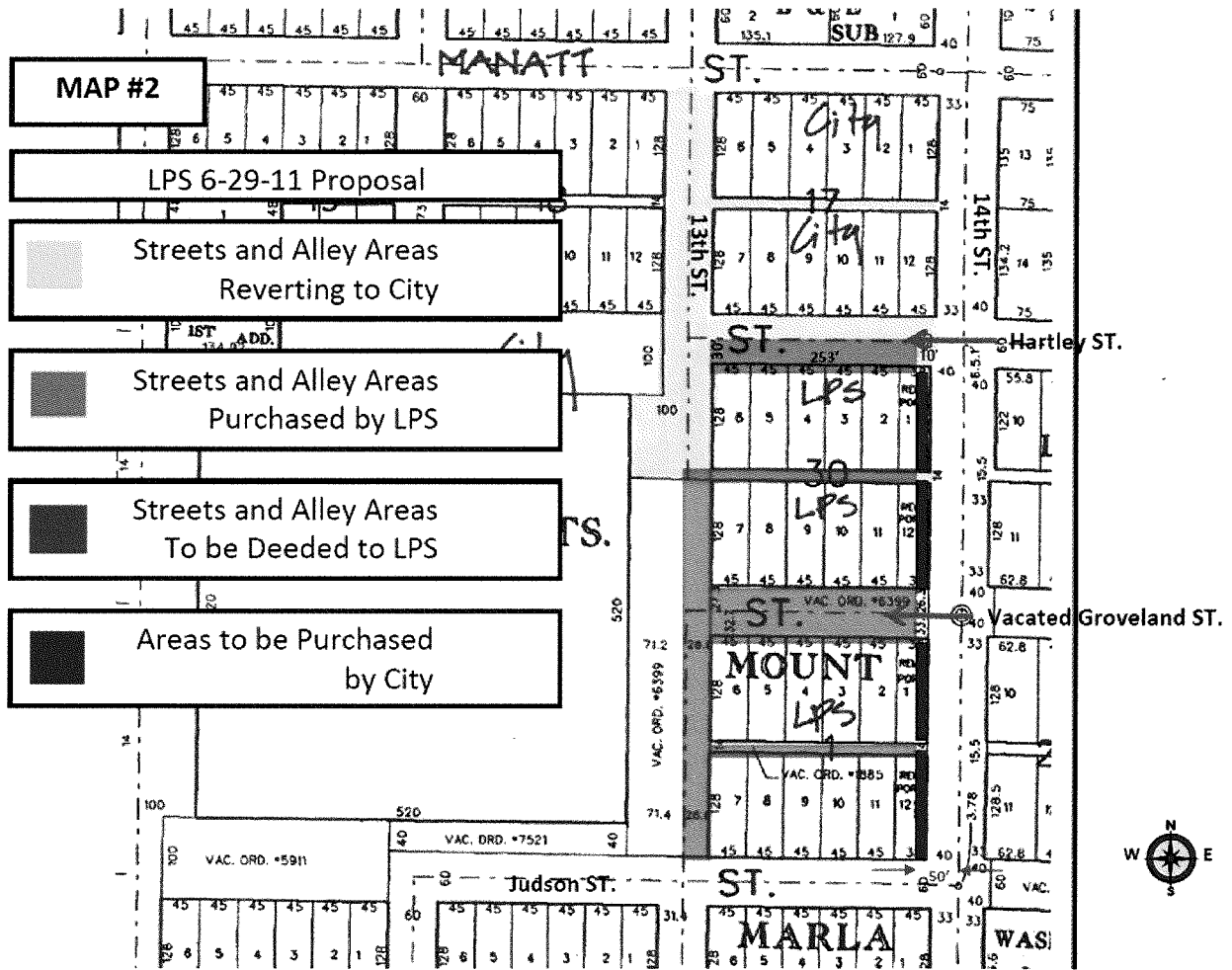
**CITY OF LINCOLN, NEBRASKA**,  
a municipal corporation,

By: \_\_\_\_\_  
Chris Beutler, Mayor

## EXHIBIT A



## EXHIBIT B



## EXHIBIT C

### CITY OF LINCOLN, NEBRASKA QUITCLAIM DEED

The Grantor, **CITY OF LINCOLN, NEBRASKA, a municipal corporation**, organized and existing under and by virtue of the laws of the State of Nebraska, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration received from Grantee, does quitclaim, grant, bargain, sell, convey, and confirm unto **LANCASTER COUNTY SCHOOL DISTRICT 001, a/k/a LINCOLN PUBLIC SCHOOLS**, a governmental entity, herein called the Grantee:

The south half of vacated Hartley Street from the East right-of-way line of vacated 13th Street East a distance of 253 feet, adjacent to Lots 2 through 6 and the West 28 feet of the remaining portion of Lot 1, all in Block 30, Lincoln Heights Addition;

and

The vacated east/west alley in Block 30, Lincoln Heights Addition, from the East right-of-way line of said vacated alley East a distance of 253 feet, adjacent to Lots 2 through 6, Lots 7 through 11, and the West 28 feet of the remaining portion of Lots 1 and 12;

and

Vacated Groveland Street from the East right-of-way line of vacated 13th Street East a distance of 253 feet, adjacent to Lots 2 through 6 and the West 28 feet of the remaining portion of Lot 1, all in Block 1, Mount Maria Addition, and also adjacent to Lots 7 through 11 and the West 28 feet of the remaining portion of Lot 12, all in Block 30, Lincoln Heights Addition;

and

The East 28 feet of vacated 13th Street from North right-of-way line of the vacated east/west alley in Block 30, Lincoln Heights Addition, to the North right-of-way line of Judson Street, adjacent to Lot 7, Block 30, Lincoln Heights Addition, and also adjacent to Lots 6 and 7, Block 1, Mount Maria Addition;

and

The vacated east/west alley in Block 1, Mount Maria Addition, from the East right-of-way line of said vacated alley East a distance of 253 feet, adjacent to Lots 2 through 6, Lots 7 through 11, and the West 28 feet of the remaining portions of Lots 1 and 12, all in Block 1, Mount Maria Addition;

all in Lincoln, Lancaster County, Nebraska.

To have and to hold the above described premises together with all tenements, hereditaments, and appurtenances thereto belonging unto the Grantee and to Grantee's successors and assigns forever.

In witness whereof, Grantor has hereunto caused its corporate seal to be affixed and these presents signed by its Mayor.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

CITY OF LINCOLN, NEBRASKA,  
a municipal corporation

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Chris Beutler, Mayor of Lincoln

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by Chris Beutler, Mayor of City of Lincoln, Nebraska.

\_\_\_\_\_  
Notary Public

**EXHIBIT D**

**QUITCLAIM DEED**

The **Lancaster County School District 001, a/k/a Lincoln Public Schools, a governmental entity, ("Grantor")**, in consideration of One Dollar (\$1.00) and other valuable consideration received from **City of Lincoln, Nebraska, a municipal corporation, ("Grantee")**, quitclaims to Grantee the following described tracts of real estate (as defined in Neb. Rev. Stat. § 76-201):

**Tract 1.** The east 10 feet of the remaining portion of Lot 1, Block 30, Lincoln Heights Addition to the City of Lincoln, Lancaster County Nebraska; and,

**Tract 2.** The east 10 feet of the remaining portion of Lot 12, Block 30, Lincoln Heights Addition to the City of Lincoln, Lancaster County Nebraska; and,

**Tract 3.** The east 10 feet of the remaining portion of Lot 1, Block 1, Mount Maria Addition to the City of Lincoln, Lancaster County Nebraska; and

**Tract 4.** The east 10 feet of the remaining portion of Lot 12, Block 1, Mount Maria Addition to the City of Lincoln, Lancaster County Nebraska.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2011.

**LANCASTER COUNTY SCHOOL  
DISTRICT 001, a/k/a LINCOLN PUBLIC  
SCHOOLS, a governmental entity**

By: \_\_\_\_\_  
Mark Shepard, Superintendent for Business  
Affairs

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011 by Mark Shepard, Superintendent for Business Affairs for Lancaster County School District 001, a/k/a Lincoln Public Schools.

\_\_\_\_\_  
Notary Public